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Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1971
No. 72-13

ANTONIO SEGURA,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUPPLEMENTAL BRIEF AND APPENDIX FOR THE PETITIONER

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SUPREME COURT OF THE UNITED STATES

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SUPPLEMENT TO POINT I

The petitioner, Antonio Segura, contends that he was denied due process of law because the government failed in its obligation to reveal evi-

dence that it possessed which proved that its chief witness, Edmond Taillet, was lying.

There have been several shifts in the government's position regarding Edmond Taillet. As detailed in the Petition for Certiorari, (p.8, 9, 17-21) during the trial the government intentionally portrayed Edmond Taillet as a naive first-timer. At the time of the petitioner's sentencing the Assistant United States Attorney told the sentencing judge that Edmond Taillet had a history of narcotics trafficking involving "either Mr. Segura or one of his associates." The government failed to reveal this history to the jury.

On September 13, 1972 Edmond Taillet appeared before Hon. John M. Cannella, D.J. to be sentenced for his role in the alleged conspiracy.

The transcript of the sentencing is fully set forth in the appendix attached hereto. For the third time the government has redrawn the characterization of Mr. Taillet. This portrayal is completely at odds with the previous characterizations and demonstrates the government's reprehensible and constitutionally unfair behavior with regard to Mr. Taillet's history.

Respectfully submitted,
HENRY ROTHBLATT
Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA

v

EDMOND TAILLET,

Defendant.

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72 Cr. 308

New York, New York
September 13, 1972

SUPPLEMENTAL APPENDIX

Before

HON. JOHN M. CANNELLA, D.J.

Appearances

WHITNEY NORTH SEYMOUR, JR.,
United States Attorney for
the Southern District of
New York

WALTER J. HIGGINS, JR., Assistant United States Attorney

PAUL K. ROONEY, ESQ.
Attorney for the Defendant.

Also Present:

MARGARIDA MENSA, Official Court Interpretor

THE CLERK: U.S. v Edmond Taillet, for sentencing.

MR. HIGGINS: Goverment is ready, your Honor.

MR. ROONEY: Defendant is ready, your Honor.

THE COURT: Are you Edmond Taillet?

THE DEFENDANT (Through the Interpretor): Yes, sir.

THE COURT: Are you ready for

sentence?

THE DEFENDANT: Yes, sir.

THE COURT: Do you know any legal reason why sentence should not be pronounced at this time?

THE DEFENDANT: No, sir.

THE COURT: Is there anything you want to say in mitigation of sentence or any evidence you desire to produce in that regard?

THE DEFENDANT: I am very sorry for what I did. I did not know exactly the danger that this kind of traffic meant. It has been necessary forme to be in prison for some time to find out what a terrible problem the drugs are causing here in America,

and I am asking for foregiveness to the American Government.

I would like to have a chance to become once again the man that I was before that thing happened, mainly because of my wife, my child and also for myself.

That's all.

THE COURT: The defendant pleaded guilty to an information containing one count which charges a violation of what is referred to in enforcement areas and in the court here as a tax count.

I have the Probation Report, and I hand it over to the Clerk of the Court so that he may deliver it to the

defendant's lawyer and to the United States Attorney so that they may see the contents of the report.

(Pause)

THE COURT: In addition to the Probation Report which the parties have now, I am also submitting another communication from the Probation Department which is dated August 8, 1972, for their perusal.

(Pause)

THE COURT: I incorporate by reference as part of this record the Probation Report as well as the additional communications indicated in my remarks earlier.

I will hear you, counsel.

MR. ROONEY: Thank you, your Honor.

I know your Honor has some familiarity with this defendant and presided over a case where he testified before the Court against another defendant in a rather substantial narcotic case.

THE COURT: I think he testified more than once, didn't he? Didn't he testify in more than one case?

MR. HIGGINS: It is my recollection, your Honor, there was another case, Anthony Sigora.

THE COURT: Maybe he also testified -- was there a motion to suppress? Well, in any event, I know he

did testify in one case in which I was involved.

MR. ROONEY: I only point out, your Honor, that he is 40 years of age, and up until a couple of years ago was managing to lead a fairly law-abiding life. His parents died when he was 14 and as a teenager really began to live by his wits, and up until a couple of years ago he did fairly well.

He has been in custody for a year and a half. I think his recognition of the crime, he has already stated, and his attitude toward the crime is best expressed, I believe, by his cooperation.

I would point out, your Ho-

nor, he has been in custody a year and a half, during which time he has furnished, I believe, substantial co-operation to the Bureau of Narcotics, and I will admit that some of it came in bits and pieces, and the reason for that I think was the information that he had, which I think is substantial, of some harm coming to his common-law wife and step-son.

In view of all this, your Honor, we ask for leniency.

MR. HIGGINS: Your Honor, I must inform the Court that in connection with the documents your Honor has made available to us for review, that Mr. Taillet, as of approximately three

weeks ago, supplied additional information to the government.

Mr. Taillet has admitted his participation in the transshipment of six separate vehicles containing large quantities of heroin into the United States since 1969. Up until three weeks ago, it is the government's position that Mr. Taillet's involvement in narcotics traffic was limited to the Sigora case. Upon the extradition of an individual by the name of Mastrantonio from Canada during the early part of August of this year, new information was obtained concerning Mr. Taillet. When he was confronted with it in August of this year, Mr. Taillet

has admitted candidly to representatives of the government that he was involved in six separate shipments in excess of 200 pounds of heroin since 1969.

We must inform the Court that as indicated in the report, Mr. Taillet has cooperated since the time of his arrest. As Mr. Rooney points out, that cooperation was in bits and pieces.

The government is satisfied that at the present time we have no reason to believe that Mr. Taillet has been other than fully cooperative.

I have nothing further to say in the absence of specific inquiry.

THE COURT: This is a serious case, and in the absence of his cooperation, I am sure I would have sentenced him not under this information, because his counsel who had been assigned under the Justice Act, and who was a former assistant here, in my opinion properly advised the defendant to the point where he was able to pursuade the United States Attorney's office. This is a very serious charge under another section which I believe has palpable punishment much greater than under this section. I don't remember whether it was 173 and 174.

MR. HIGGINS: Yes, your Honor. Total exposure would have been 40

years, I believe.

THE COURT: So the total exposure would have been 40 years. And I have not been loathe in cases involving the transportation of narcotics, the smuggling of narcotics into this country, to impose sentences of 18 years and 25 years and 15 years, and those almost amounted to life sentences in the cases in which I did impose those sentences because the individuals were advanced in years, and there is no time off given for narcotic offenders to any extent, and therefore they have to serve the full time.

So that accomplished by his counsel has done a great deal to li-

mit the punishment in this case from 20 to 10, as I recall the scope of punishment in this case. It was quite an accomplishment.

Under the circumstances it is adjudged that the defendant be turned over to the custody of the Attorney General or his duly authorized representative for a term of imprisonment of three years. However, he, of course will get credit for the time served so that if he has in fact served a year and a half, this will mean a further incarceration of a year and a half, which I think is a very modest sentence considering the quantities involved here and the prospects of

what would have happened to him had he litigated this case, because I am sure his guilt could have been proven very simply from my knowledge of the facts in the case.

He is remanded for that purpose.

MR. ROONEY: May I have just one minute, your Honor.

MR. HIGGINS: Your Honor, the government would request from the Bureau of Prisons that this individual be housed in such institution that would be safe for his person, and the government would write a letter for that purpose.

THE COURT: I tell you I want

to go further than that because I had the unfortunate experience in a case recently where a man more or less in the position of this defendant was sent to an institution where the two people against whom he testified were incarcerated also, and so I would ask the Assistant to make extra effort to make sure that the Attorney General and whoever he delegates be fully aware of the fact, and to make sure that he is sent to an institution where his life will not be in jeopardy.

MR. ROONEY: Would your Honor remand him to the custody of the Customs Agents who have been keeping him

in custody up to this time, otherwise there is a possibility he may be lodged in West Street, and there are some people in West Street from what we can tell from the papers who --

THE COURT: He will be in their custody under the present arrangement, and he will not have to surrender to the authorities in the prison until such time as the Attorney General picks an institution for him to serve, and he may then be delivered to that institution by the Customs Agents.

MR. ROONEY: Thank you, your Honor.

MR. HIGGINS: Fine, your Honor.